

TOWN OF CHEVY CHASE
TOWN COUNCIL MEETING
May 11, 2004

Present: Bill Hudnut, Mayor; Mier Wolf, Vice Mayor; Scott Orbach, Secretary; Rob Enelow, Treasurer; Linna Barnes, Community Liaison; Todd Hoffman, Town Manager; Marty Hutt, Town Attorney; and Andi Silverstone, Town Clerk. Residents and guests: Jeanne Egan, 4301 Stanford Street; Chris and Beverly Hudnut, 4206 Thornapple Street; Sally Kelly, 7300 Oak Lane; Allerton Kilbourne, 3214 Leland Street; Oliver and Lucien Tessier, 9905 Stoneybrook Drive, Kensington, MD.

(Note: Officers of the Council listed above are those that apply after the election of officers, item 1-D on the agenda.)

I. General Business

A. Call to order – 7:30 p.m.

Mayor Wolf called the meeting to order at 7:40 p.m.

B. Pledge of Allegiance to the Flag

Mayor Wolf led those in attendance in the pledge of allegiance to the flag of the United States of America.

C. Swearing-In of Newly Elected and Re-elected Councilmembers

Town Clerk Andi Silverstone administered the oath of office to newly elected Councilmember Scott Orbach and re-elected Councilmembers Hudnut and Wolf.

D. Election of Officers

Mayor Wolf made a motion to nominate Bill Hudnut for Mayor. Councilmember Barnes seconded the motion, and it passed unanimously.

Mayor Hudnut nominated Mier Wolf for Vice Mayor, Scott Orbach for Secretary, Rob Enelow for Treasurer, and Linna Barnes for Community Liaison. Councilmember Wolf seconded the motion, and it passed unanimously.

Mayor Hudnut made a motion that a resolution of appreciation to Martha Covell for her two years of service be passed. Councilmember Enelow seconded the motion, and it passed unanimously.

Mayor Hudnut made the following appointments for committee liaisons:

Traffic Committee	Rob Enelow
Construction Committee	Linna Barnes
Tree Committee	Scott Orbach

Tree Ordinance Committee	Scott Orbach
History Committee	Bill Hudnut
FORECAST Editor	Mier Wolf

There was discussion about forming a new committee to study boundary issues and their impact on the Town. Vice Mayor Wolf will be the liaison to the new committee. The new committee will initially be ad hoc.

Discussion followed about the make-up of committees and how many members should be on a committee. It was the sense of the committee not to limit the size of the committees, but to make appointments only at one time of year for one-year terms. There was discussion about setting guidelines for each committee. A notice will be put in the FORECAST asking for expressions of interest among Town residents for committee appointments. The appointments will be made in September.

Mayor Hudnut reminded Councilmembers about the Council-Manager form of government. The Council sets policy, and the staff implements the policy.

E. Comments, questions, suggestions from residents

There were no residents in attendance that wanted to speak on any non-agenda items.

F. Acceptance of Financial Report for April

Council Treasurer Rob Enelow that everything was fine, and the Town's financial status was sound. Councilmember Barnes made a motion to accept the financial report for April. Councilmember Wolf seconded the motion, and it passed unanimously.

II. Action

A. Variance, 4301 Stanford Street, Front Yard Fence

Michael and Jeanne Egan, 4301 Stanford Street, have applied for a variance from Town regulations to construct a front yard fence. The property is a corner lot and has two front yards. Mrs. Egan came before the Council to present the application.

Town Manager Todd Hoffman framed the issues for the Council. The applicant expressed concern about privacy. Their lot is uniquely shaped and does not have a functional backyard. The applicants want a safe and private play area for their children. The applicants have agreed to reduce the height of their fence to 5 feet except along the Maple Avenue side, where they want a 6-foot fence.

The fence will be located entirely on the property of the owner. The Town did not receive any objections from neighbors. There was discussion about the type of fence—"board-on-board" versus solid. For privacy, the applicants wanted a solid fence.

Councilmember Wolf made a motion that the variance be approved as proposed with the condition of landscaping as agreed upon with the Town Manager. Councilmember Orbach seconded the motion, and it passed with Councilmembers Enelow, Wolf and Orbach in favor and Councilmember Barnes opposed.

B. Public Hearing on Conservation Program Resolution

The Council introduced a Conservation Resolution at the April Council meeting. The purpose is to establish a program for residents to be able to get some tax benefit through a donation of property for any public purpose. The resolution stipulates that program eligibility and application are at the discretion of the Town Council.

Councilmember Wolf made a motion to approve the resolution. Councilmember Barnes seconded the motion, and it passed unanimously. It was the sense of the Council to let residents know that the Town will make no guarantees about what the IRS would approve, and it is the responsibility of the resident to get an appraisal.

C. Public Hearing on Accessory Building Code Amendment Resolution

As discussed with the Council at its January 2004 meeting, the Town has learned that its setback requirements for accessory structures are less restrictive, in some applications, than the setback requirements for such structures imposed by the Montgomery County Zoning Ordinance. Modifications are needed in the Town Code to bring it into compliance with the County Code. Town zoning laws cannot be less restrictive than those of Montgomery County.

Councilmember Wolf made a motion to approve the amendments to the Town Code, as presented, to bring the code into compliance with the County Code. Councilmember Barnes seconded the motion, and it passed unanimously.

III. Reports

A. Mayor: Mier Wolf (Mayor until May meeting) updated the Council on pending zoning issues in Bethesda, including a special exception for Parvizian building.

B. Town Manager: Town Manager Todd Hoffman announced that the June Council meeting would be on June 23. It will include a public hearing on a portion of the Phase 1 Traffic Committee recommendations. According to Town policy, the only issue that requires a public hearing is speed hump installations and, therefore, the public hearing would be narrowed to just speed humps.

The Town Manager indicated that the Council needs a revised plan from the committee and that the recommendations need to be referred back to Street Traffic Studies for feasibility and desirability. There was discussion about the need to have Street Traffic Studies review three issues: 1) the traffic pattern in the Leland Center parking lot; 2) the intersection of Leland Street, Maple Avenue, and Oak Lane; and 3) East Avenue.

Councilmembers were asked to send their recommendations about speed humps to the Town Manager. Then, Mayor Hudnut and the Town Manager will determine what should be included in the public hearing.

Town Attorney Marty Hutt was asked to prepare a memo to the Town Council explaining resubdivisions and the Town's options for responding to them.

C. Committee Reports

There was discussion about the need to select a Traffic Committee Chairperson.

There being no further business, the meeting was adjourned at 10:30 p.m

Respectfully submitted,

Scott Orbach
Secretary

Transcribed by Andi Silverstone